

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHLEEN OWEN,

Plaintiff,

v.

THE TOWNSHIP OF REDFORD, et al.,

Case No. 14-13923

HON. TERRENCE G. BERG

HON. STEPHANIE D. DAVIS

Defendants.

**ORDER GRANTING AMENDED EX PARTE MOTION
TO APPOINT GUARDIAN AD LITEM (DKT. 38)**

This matter is currently before the Court on Plaintiff's Amended Ex Parte Motion to Appoint Guardian Ad Litem.¹ (Dkt. 38.) In this motion, Plaintiff states that one of the decedent's surviving dependents, Ashlyn Murphy, is a minor without a fiduciary. Pursuant to M.C.L. § 600.2922(6)(c)², the motion asks the Court to appoint Attorney Bruce A. Rice (P75925) as guardian ad litem to represent the interests of Ashlyn Murphy and to review the terms of the proposed distribution of the settlement proceeds on her behalf.

The Court finds that oral argument would not aid the decisional process. *See* Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan. The Court

¹ On May 12, 2016, Plaintiff filed a motion to appoint a guardian ad litem (Dkt. 37) and an amended version of the same (Dkt. 38). Because the amended motion supersedes the original motion, the Court will address the amended motion in this Order and deny as moot the original motion.

² This section states in relevant part that if "any interested person is a minor ... for whom a fiduciary is not appointed, a fiduciary or guardian ad litem shall be first appointed..." M.C.L. § 600.2922(6)(c).

therefore orders that the Amended Ex Parte Motion to Appoint Guardian Ad Litem will be decided without a hearing.

The decision to appoint a guardian ad litem rests with the sound discretion of the district court. *Black v. Koch Transfer Co.*, 1988 WL 117115 (6th Cir. 1988); *In re Kloian*, 179 F. App'x 262, 265 (6th Cir. 2006). Having reviewed the pending motion, the Court concludes that a guardian ad litem should be appointed for Ashlyn Murphy in this action.

IT IS ORDERED that Plaintiff's Amended Ex Parte Motion to Appoint Guardian Ad Litem (Dkt. 38) is **GRANTED** and this Court **APPOINTS** Bruce A. Rice (P75925) as guardian ad litem for Ashlyn Murphy. Attorney Rice shall submit his report on the proposed distribution of the settlement proceeds to this Court no later than **two (2) days** before the hearing on Plaintiff's Motion to Approve Distribution of Remaining Wrongful Death Settlement Proceeds (Dkt. 36).

Plaintiff's original motion to appoint a guardian ad litem (Dkt. 37) is **DENIED AS MOOT** because it is superseded by the amended motion (Dkt. 38).

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on May 17, 2016, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager